

U. S. SUPREME COURT JUDGE A TURFMAN

Gabriel Duval, Associate of John Marshall, Was Member of Maryland Jockey Club.

WROTE RACING MEMOIRS

His Contributions to 'Spirit of the Times' and 'Turf Register' Are Turf History.

By GURNEY C. GUE.

Justices of the United States Supreme Court are not contributors to *Daily Racing Form*, the *Morning Telegraph* and other representative turf journals of today, but it was different a hundred years ago. When John S. Skinner, the personal friend of every President from John Adams to Andrew Jackson, established the first sporting periodical in the United States at Baltimore in 1829, one of the many distinguished men who wrote for his *American Turf Register and Sporting Magazine*, beginning with its first issue, was Gabriel Duval, then an associate of John Marshall, Joseph Story, Bushrod Washington and Brockholst Livingston in the highest court of the country.

With the patriotic public spirit which characterized every important act of his long and useful life Skinner started his magazine "to serve as an authentic record of the performances and pedigrees of the bred horses," and "to collect and save many precious materials that would soon be otherwise lost," as he said in his introduction, and Judge Duval, over his own signature, sent in this contribution to the early history of the turf:

Old England Flew the Track.

"GREAT RUNNING BY SELIM AT PHILADELPHIA IN 1767."

"MARETTA, June 26, 1829."

"Mr. Editor, Sir: According to promise you have an account of the race run at Philadelphia in the year 1767, by Selim and other horses. It is copied from the *Memorial Gazette* of Mr. Samuel Galloway, Esq., by him taken from a Philadelphia paper."

"On Tuesday last the following horses started for the Gentlemen's Subscription race of 100 guineas, viz: Selim, bay horse, owned by Mr. Leary's bay horse Old England, 2 dr. Mr. Samuel's bay horse Granby, 3 dr. Mr. Andrew Orr's gray horse Northumberland, 4 dr. The first heat was run in 3 minutes 2 seconds, Selim winning from Old England by a single length. The second heat, after running three miles close at the heels of Selim, Old England flew the course."

"The standard was ten stone. Selim was then eight years old and carried 140 pounds full weight. Old England and Northumberland were both imported."

"It is believed that this running was never exceeded, if equalled, in this country. To form a correct judgment of the speed of a horse the weight carried must always be recollected. If, as the old and experienced sportsmen say, seven pounds are equal to a distance, which would make the difference of 490 yards, a space which would consume thirty-two seconds of time in running, at the rate of Selim, it follows that Selim deduct this from 3 minutes 2 seconds and it leaves 7 1/2 minutes, in which the race would have been run if the standard had been nine stone. I have never seen an account of a race where the four miles were run in 7 1/2 minutes in the United States."

"Figure beat Selim in 1768 at Upper Marlborough, but Selim was undoubtedly in bad condition and had been lately cured of the distemper in the throat. He was certainly a capital racer. I saw him beat the celebrated Silver Legs from Virginia in the year 1772 at Annapolis, four miles and repeat. He was then thirteen years old and Silver Legs only nine. With respect and esteem, 'G. D. VAL'."

Learned horse talk and interesting turf logic thus from a member of "the highest judicial tribunal in Christendom."

Marshall a Turfman Too.

To the next issue of the magazine Judge Duval contributed a list of the distinguished progeny of the Godolphin Arabian, showing pretty clearly that he was one of the very few American horsemen who then possessed the *English Stud Book*, two volumes of which had been published. These he must have gone through, page by page, noting each foal by the great progenitor of race horses, until he had a complete list of them, with their names, colors, ages and other particulars. It was an interesting compilation and was copied without credit in one or two horse books published in England.

When it is remembered that very few men of prominence in any walk of life at this period permitted their names to be published in any connection with turf affairs, even as breeders, such was public sentiment concerning horse racing, one wonders that a Judge of the Supreme Court did not follow the common practice of concealing his identity by writing over a pen name. Possibly his failure to do so called forth a gentle protest from some of his august associates, though enough of the names of the Chief Justice, for Benjamin Ogden Taylor, the lifelong friend of both eminent jurists, said in the *Spirit of the Times* on the death of Judge Duval:

"Like his illustrious contemporary, Marshall, he was passionately fond of the amusements of the turf. I had the honor of belonging to the same jockey club with him, and I recollect at different times to have seen the two noble octogenarians on horseback attending the races with all the ardor of youth."

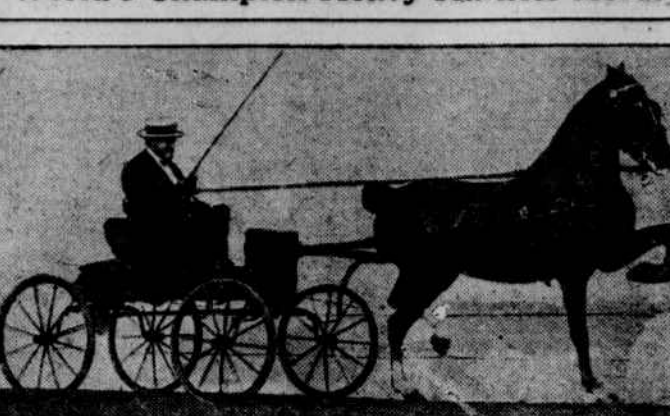
Whatever may have been the cause Judge Duval's contributions to the *Turf Register* after the second issue were signed only with his initials, or not signed at all, as in the case of his serial "Racing Memorabilia of the Olden Times." Some of these contributions are common sources of our meager turf history relating to the performances and pedigrees of many of the fastest runners of the period preceding and following the Revolutionary war.

Obedience to Laws in 1774.

It is not known that Judge Duval owned any race horses; indeed, it seems unlikely that his colors ever were seen on the tracks he frequented during a period of almost seventy years. Born in 1752, he was only 29 when he witnessed the race between Selim and Silver Legs at Annapolis. The preparations for war came on before he was hardly old enough to have maintained a racing stable of his own, and from that time on until he was 34 years old he was almost constantly in the public service of the State or the nation.

Somewhere in the *Turf Register* Old Spirit has been told how in 1774 great preparations had been made for a meeting at Annapolis, which was about to begin, with horses and horsemen from the surrounding country already on the grounds when there came from the Continental Congress, then in

World's Champion Heavy Harness Horse



Mrs. LOULA LONG COMBS' ANIMATION

WHEN Animation defeated Field Marshall, the acknowledged pick of English harness horses, and a dozen others representing the flower of American show rings in the \$2,000 stake at the National Horse Show last week she was entitled to be called the world's champion of her type. A little more than six times the size of a trotting horse, she was a champion of champions, for while she won twenty-five first prizes in the campaign of 1920 she was also placed second eleven times, third six times and fourth twice. Her defeats were not due to misbehavior or poor condition, but to the fact that several judges apparently failed to see that she was the greatest of the harness mares the show ring has ever known. No champion in the long history of the National Horse Show has been without honors, and Animation is not an exception, but for combined beauty of figure, quality, style, action, speed, dash and whatever other attributes may go to make a "phenomenal" horse, as the lamented Patsy Bates used

session at Philadelphia, a general proclamation or recommendation to the people throughout the Colonies to suspend horse racing and other sports and prepare for the troublous times that were to come. The Judge said the sportsmen and their race horses all went off quietly home, the people at that time paying more implicit obedience to a Congressional recommendation than they do now to a law, or even an amendment to the Constitution.

Judge Duval's Public Career.

Within a few months after this episode the youthful turfman of 23 found himself in the thick of the struggle, first as clerk of the Maryland Council and then as secretary of the Council of Safety, which secured the independence of the State from the British. He was then a law, or even an amendment to the Constitution.

President Madison appointed him to the Supreme Court of the United States on the death of Samuel Chase, in 1811, and he served until 1836, when deafness caused him to resign. During this period many of the most important decisions of the Court were made in cases involving interpretation of the Federal Constitution, and though Marshall probably wrote more of the opinions than all the rest of the judges taken together, Gabriel Duval was no "motto" kind of a member of the court. That he did not hesitate to "take a line of his own" in fox hunting parties, was shown in the case of *Mina Queen vs. Hopburt*, reported in 7 *Cranch* 293, which involved the freedom of a negro woman and her child held in slavery in his own State. The decision was an account of a race where the four miles were run in 7 1/2 minutes in the United States.

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AMATEUR RACING ACROSS COUNTRY

Thoroughbred Hunters, With Amateur Riders Up, Run 4 Miles Over Stiff Course.

When the historian of the future undertakes to write the story of present day racing in New York and New Jersey he may encounter difficulties almost equal to those of Judge Gabriel Duval a century ago in making up his "Memorabilia of Racing in the Olden Times." Here we had within an hour's ride from the city a few days ago something rarely seen on a metropolitan track in those days—a race at four miles, with amateur riders up on the horses, and the first account of the result in any newspaper in New York.

It was the sixth annual hunt meeting held at Far Hills, N. J., under the auspices of the men and women who call their sporting organization the Essex Fox Hounds. H. A. Bourne, Reginald B. Rives, Kenneth B. Schley and Richard Whitney were the members of the racing committee, and J. G. Milburn, Jr., R. H. Williams, Jr., and F. S. Von Stade the stewards of the meeting, while Breyer Wing and Morgan Cowperthwaite officiated as starters.

Three thousand persons attended the races, and among them were hundreds of those who last week made up the fashionable crowds at the National Horse Show. The fourth running of the New Jersey Hunt Cup was the event of the day, and as a test of the qualities calculated to improve the horse stock of the country for purposes of utility and defence it ranked with the Belmont Stakes and the Realization. It was for registered hunters to carry 162 pounds on a four mile course such as cavalry might encounter on a raid in time of war. It included twenty-seven four foot fences. Thirteen horses, nearly all of them thoroughbreds, started for the stakes of about \$2,000 and three of them finished so close together that a blanket could have covered them all.

Wolferton II. repeated his success of last year, giving the E. S. Strang, his second leg on the challenge cup offered in connection with the race by the president of the club. Ridden by C. Mahon King of Philadelphia, he made a race to the mark by automobile after a fox hunt in the morning in his own country. Wolferton moved quickly to the front and stood off the successive challenges of half a dozen horses.

Coming into the stretch Crawford Ridden five-year-old bay gelding stills, ridden by Lucien Keith of Virginia, closed on Wolferton and Jack E. Ridgeway's Dooley in thrilling style, but he could not quite do the trick, and while the three horses passed the judges' stand neck and neck Wolferton's nose was in front. Other starters were Samuel D. Riddle's West Meath, Mrs. F. A. de Peyster's Sweet Kiss, F. Ambrose Clark's Easy Rider, Mrs. Katherine Elkins' Hint, John Barry, Miss Biecky Lanier's Aleda, Mr. Williams' Hurry Girl, W. Cosgrove Jackson's Manager Mirth, Bayard Tuckerman, Jr.'s, Doctor Martin and A. F. Hyde's Little Joe. The Elliston boy cup, another four mile race for qualified hunters, ridden by amateur members of the Essex Fox Hounds or the Whippany River Club, was won by S. D. Riddle's black mare Atlanta, with Capt. Temple, up, beating Shelton E. Martin's Distaff, Mr. Burton's High Top and W. Thorne Kiesel's Faulkner in a spirited finish. The horses of the Elliston boy cup carried 167 pounds over the jumps.

At the autumn meeting of the Whippany River Club, near Morrisstown, a week earlier, the Autumn Clute, a gelding was won by Mr. Burton's stills, with Wolferton and thirteen others behind him over a hunting course of about three miles. He carried 162 pounds. The winner is by Wolferton of Lady Yorkshire. He was trained for the race by L. Victor Froment and was ridden by Mr. Keith. Distaff won the Whippany Cup for hunters over a three mile course, beating Atlanta, High Top and Miss Constance Hagena's Culbert. It was the third victory in seven years for Distaff's owner, Shelton E. Martin, which gave him a double majority of the trophy that has been in competition since 1907. The winner carried 172 pounds and was ridden by Capt. Purse.

Following the lead of the Horse Show in effecting a change of base, the Fasig-Tipton company will hold its annual sale of trotting horses at the armory of Squadron A, beginning on Tuesday, December 13, at Fresh Pond, N. J. Several prize winners from the National are in the lot.

Over in Jersey City the Bergen Horse Company will hold a big sale of business horses, fresh and seasoned, on Wednesday, the regular auction day at the Communipaw avenue stables. Dr. T. A. Bown of Charlton, Iowa, is shipping some excellent work horses to these sales.

Built in his own shops at Durland's Riding Academy, William Durland is producing a show saddle that he is willing to match against any in the world for combined style, workmanship and materials.

H. Kaufman & Sons, importers of English saddlery at 193 Division street, have been in the harness and horse goods business since 1876.

M. B. Newcomb, 924 Seventh avenue, sold several of the ribbon winners in saddle classes at last week's Horse Show.

Martin & Martin, who formerly supplied most of the show harness seen at the National, are making a specialty of smart English saddles of moderate cost at their Fifth avenue store.

Princess Pays \$2,400 For Pair of Hunters

Princess Dimitry N. Goltzine paid \$2,400 for a pair of hunters on Friday evening at the sale of George Watson's horses in the Durland's Riding Academy. They were the roan mare Lavina and Irish Fern, about 15.3 hands high and very attractive and clever to ride. These were the highest prices of the sale, though Albert Whaley of Buffalo gave \$1,100 for the gray hunter Ennis, 16 hands high. Ten head brought \$6,750, the highest average of the season at Durland's. Mr. Watson said after the sale that he still had about fifty saddle horses and hunters at Paradise Farm, Teaneck, N. J.

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MEN'S TAILORS
EXPERT BREECHES MAKERS
Correct Clothes for Day and Evening Wear
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MADE IN OUR OWN WORKROOMS—FROM \$10.00
785 FIFTH AVENUE, NEW YORK
PARK PLAZA at 10TH STREET

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SEMI-WEEKLY HORSE AUCTIONS LEXINGTON TO THIRD AVE.

Auction Sales Mondays and Thursdays—Private Sales Every Day.

300 HEAD OF HORSES

At Auction To-morrow

MONDAY, NOVEMBER 21st, AT 10 O'CLOCK, TO THE HIGHEST BIDDERS WITHOUT RESERVE.

SPECIAL—12 O'CLOCK—SPECIAL.

MR. D. M. NUGENT, PARIS, ILL., Has Consigned a Carload

Draught, Delivery, Express and Wagon Horses Black and White Undertakers Horses

This consignment consists of animals that have come right out of work, fit and ready for immediate service.

Among the consignment will be found several Pairs of Bays, Grays, Blacks and Roans, in excellent condition and warranted.

Our Written Guarantee Accompanies Every Warranted Horse and Permits of Trial Up to Noon Wednesday.

Entire Purchase Price Is Refunded if Animal Proves Other Than as Represented.

MAIN OFFICE, 105 EAST 24TH ST. TELEPHONE 3100 MADISON SQUARE.

AT PUBLIC AUCTION

All the Show Stable of Daniel R. Hanna, Deceased, Ossining, N. Y., at Absolute Sale

Durland's Riding Academy

5 West 66th St. AFTERNOON & EVENING, DEC. 1. AFTERNOON (3:00 O'CLOCK).

A most wonderful opportunity for show people to get the correct show carriages.

23 Vehicles (15 by Brewster), Harness, including 4-in-hand, Tandem, Double and Single, Whips, Horse Clothing, etc.

EVENING (8:00 O'CLOCK) 22—High Class Harness Horses—22 Ribbon Winners

Including Park Four, Road Four, Tandem and Pairs that have been Ribbon Winners at the shows through the country.

FOLLOWED BY OTHER CONSIGNORS

GEO. A. BAIN, Auctioneer.

Those having high class horses they wish to dispose of in this sale will do well to correspond at once with

WM. DURLAND, 5 West 66th St. Phone Col. 9100

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WEEKLY HORSE AUCTION

of BERGEN HORSE COMPANY

519 COMMUNIPAW AVE., Jersey City, WEDNESDAY, NOV. 23rd, 1921.

IN ADDITION to our general consignments aggregating 150 ENTRIES we will sell 60 HEAD OF HORSES consigned by the ST. REGIS LUMBER CO. of ST. REGIS FALLS, NEW YORK. THIS IS AN EXCEPTIONAL lot of good seasoned work horses that have just finished their season's work. They weigh from 1,300 to 1,800 lbs., and will be sold for the HIGH DOLLAR. A GREAT CHANCE for both DEALERS and USERS TO SECURE PROFIT PAYING INVESTMENTS.

AUCTIONEERS: PETER PETERSEN and DR. E. C. BURDICK.

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WM. H. STRANG HORSE SHIPPING

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All these horses are Qualified Hunters of the Thoroughbred order and are fit and ready for hunting. They have been schooled over timber for two months at Paradise Farm and will be shown at any time.

Several Show Saddle Horses on Hand.

Intending purchasers will find it worth while to come and see them.

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HUNTERS, Saddle Horses and Ponies.

Horses Boarded. W. H. Maddison, Glenville, Conn. Phone 209-J Port Chester.

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5,000 SQUARE BLANKETS, in all grades and colors . . . \$2.00 up

1,000 Shipping Blankets, slightly used . . . \$1.25 up

New and Old Saddles Weymouth Brides, with studs to hook . . . \$9.00 up

H. Kaufman & Sons Saddlery Co. 193 Division St., New York City

WILL sell two milkeys, one foaling cart, two Calves' speed wagons, two Mincola carts, two Heavy runabouts, one top carry one speed sleigh and harness; all in first class condition. 450 E. 147th St., near 94 av.

THREE Brewster cutdown runabouts, one Mincola, 1 King George IV. phaeton, 6 governess carts and two pony show wagons and pony show harness, 4 ponies. Apply 208 E. 53d St.

BEAUTIFUL blue ribbon hackney mare; sell or let for season. Riverside 823

ANNOUNCEMENT

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GREATEST AUCTION SALE

of

DRAUGHT and DELIVERY HORSES

Held in This City in Years. We Have Been Authorized by

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500—HEAD OF HORSES—500

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Champions of the Trotting Turf. Racing Prospects. Futurity Candidates. Mainline and Speedway Stars.

The very high class road team, ALMA GLUCK AND JACK MCCORMACK, Exhibited at the National Horse Show, Will Be Sold Tuesday Afternoon, Nov. 22.

FASIG-TIPTON CO.,

31 EAST 27TH ST., NEW YORK CITY.

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of Saddle Horses, Tomorrow Night

DURLAND'S RIDING ACADEMY

66TH STREET AND CENTRAL PARK WEST.

THREE SHOW MARES, BREEDING STOCK, PRIZE WINNERS.

Glen Meadows won at National Horse Show last week every prize in saddle breeding classes, and second and third prizes in hunter breeding classes.

These prize winning colts and fillies by Glen Chief will be sold tomorrow night without reserve.

The great saddle sire Glen Chief, 5198 (9 years old), will be offered with reserve bid of \$7,500.

Also consignments from Mr. Samuel Kellar Jacobs, Mrs. Gordon Russell Thayer, Mr. J. H. Woodhouse and Mr. Harvey S. Ladew of New York, who will sell the following high class hunters: "Black Wa'ch," "Ganador," "Grey Eagle" and pony "Punch."

AND OTHER CONSIGNORS. GEO. A. BAIN, Auctioneer.

That our mailing list may be kept up to date, those wishing catalogues please send name and address to

WM. DURLAND, 5 West 66th St. Phone Col. 9100

AUCTION SALE OF HORSES

JOS. F. BURKE, WILL SELL HIS ENTIRE STOCK OF

45 Heavy Horses

USED IN HIS CONTRACTING BUSINESS AT HIS STABLES, 718 MONROE AVENUE, PLAINFIELD, N. J., TUESDAY, 11 A. M., NOVEMBER 22, 1921

Reason for Selling Is That His Season's Work Is Finished.

All horses are in fine condition, weighing from 1,400 to 1,600 lbs., ranging from 6 to 9 years of age.

Anybody looking for horses for similar work, farm purposes or any other work, don't fail to attend.

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